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1 Q. What types of illnesses do those  
2 individuals have that you can think of?

3 A. I can't think of any illnesses  
4 offhand. You know, and maybe what you're  
5 getting at is, we do require periodic proof of  
6 disability. If somebody has a condition. Is  
7 that extremely well documented by medical, by  
8 objective medical evidence, such as the  
9 situation of somebody in a coma, or somebody  
10 who's lost limbs, and it's clear and evident  
11 that there's not a likelihood, but that the  
12 person is totally disabled, at present, and  
13 there is no likelihood of future improvement,  
14 then we would require periodic proof of  
15 disability, but we would only request it every  
16 couple of years.

17 But there are many conditions where  
18 present total disability isn't clear or the  
19 opportunity for future recovery is based on  
20 improvement in the condition or advances in  
21 medical technology, where we would require more  
22 frequent proof of disability.

23 Q. Even where the person, the  
24 hypothetical person has been receiving benefits  
25 continuously for five years or more?

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1 approve the third appeal, was any consideration  
2 given to the opinions of Mr. Jeffries' doctors  
3 that this illness would be permanent?

4 MR. WAHL: Objection.

5 MR. ROBERTS: What's the basis of  
6 that objection?

7 MR. WAHL: He's testified 15 times  
8 he did not make a decision on the appeal.

9 Q. Okay. You were present when the  
10 decision was made. Based on your observation  
11 of those making the decision, was there any  
12 consideration given to the fact that  
13 Mr. Jeffries' physicians had suggested that  
14 this would be a permanent illness?

15 A. Well, the group policy doesn't have  
16 any requirement.

17 Q. I don't ask you if the policy said

18 MR. WAHL: Let him answer the  
19 question, please.

20 MR. ROBERTS: He's not answering.

21 MR. WAHL: You interrupted him  
22 before he finished his answer.

23 Q. Was any consideration, based on  
24 your observations, was there any consideration  
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1 A. Yes.

2 Q. And can you give me a condition  
3 that someone suffers from? Because you said  
4 you can think of some specific claims where  
5 they have been paid for five years or more, yet  
6 monthly proof is still required. What types of  
7 illnesses are you, specifically, thinking of?

8 MR. WAHL: Objection.

9 Q. Don't tell me the name of the  
10 claimant. I don't want to know. I just want  
11 to know the condition.

12 A. Don't worry. I wasn't going to.

13 Q. This person or persons that you're  
14 thinking, what is it that they're suffering  
15 from has put them in a position where they're  
16 getting benefits for five years continuously,  
17 but still have to give monthly proof of loss?

18 A. A person who has --

19 Q. This is a specific case you're  
20 giving me, not a hypothetical?

21 A. No, I'm giving you a hypothetical.

22 Q. Can you think of any specific  
23 cases?

24 A. Not off the top of my head.

25 Q. When you made the decision to

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1 given to the fact that Mr. Jeffries' doctors  
2 said this would be a permanent condition?

3 A. And as I was starting to say  
4 before, the group policy doesn't require  
5 permanent disability in order for benefits to  
6 be approved. In fact, there's no mention of  
7 permanent disability in the group policy.

8 So, what was at issue before the  
9 appeals committee was whether or not  
10 Mr. Jeffries was eligible for benefits under  
11 the terms of the group policy at the time that  
12 they were making that decision.

13 Q. So, no consideration was given to  
14 the fact that his doctors suggested it would be  
15 permanent. Is that correct?

16 A. It wasn't relevant to the  
17 determination.

18 Q. Okay. Fine. I will accept that  
19 answer now. Was there consideration given to  
20 the fact that his doctors said it would be  
21 permanent?

22 A. Um.

23 Q. You're struggling with an answer to  
24 this question?

25 A. I'm struggling with answering what